

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. UNDERWRITERS INSURANCE COMPANY, Docket No.: 08-CV-985 (JSR)

Plaintiff,

-against-

NOTICE OF MOTION

MILLENNIUM CARE, INC., DENISE PERRY,
WILLIAM H. PERRY, TERRENCE COUSINS, by his
grandmother and legal guardian LA VAIDA THOMAS,
LA VAIDA THOMAS, individually, and THE CITY OF
NEW YORK,

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Affidavit of Steven Verveniots, with exhibits attached thereto, dated August 19, 2008, and all the prior pleadings and proceedings in the above entitled action, the undersigned will move this Court on the 26th day of August, 2008, at 9:30 am, or as soon thereafter as counsel can be heard, for an Order pursuant to Rule 55 of Federal Rules of Civil Procedure, and such other laws, statutes and rules as may be pertinent, granting the following:

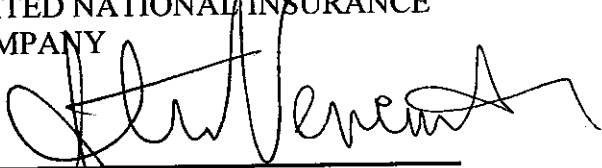
- a) default judgment against TERRANCE COUSINS, by his grandmother and legal guardian LA VAIDA THOMAS, LA VAIDA THOMAS, individually, and THE CITY OF NEW YORK for failure to appear in this lawsuit, declaring that U.S. UNDERWRITERS INSURANCE COMPANY has no obligation to defend or indemnify MILLENNIUM CARE, INC., DENISE PERRY, or WILLIAM H. PERRY as to the claims asserted in the action pending in the Supreme Court of the State of

New York, County of Bronx, entitled, Terrence Cousins, by his grandmother La Vaida Thomas and legal guardian La Vaida Thomas, and La Vaida Thomas, individually v. The City of New York, William H. Perry and Millennium Care, Inc.,
under Index No. 23677/05; and

b) such other and further relief as this Court may deem just and proper.

Dated: Mineola, New York
August 19, 2008

**MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP**
Attorneys for Plaintiff
UNITED NATIONAL INSURANCE
COMPANY



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Our File No.: 07-558

TO: Law Offices of Onua & Associates
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LA VAIDA THOMAS
Defendant
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c/o Corporation Counsel
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